

April 23, 2025


VIA ECF

Hon. Lewis J. Liman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The requests are granted. The initial pretrial conference scheduled for April 30, 2025, is adjourned *sine die*. The Court adopts the proposed briefing schedule to govern proceedings in this action. The parties are relieved of the responsibility to file Local Rule 56.1 statements.

Date: 4/24/25

SO ORDERED.

  
LEWIS J. LIMAN  
United States District Judge

**Re: Talley et al v. Aviles-Ramos et al., 25-cv-00909 (LJL)**

Dear Judge Liman,

As Your Honor may recall, the undersigned represents the Plaintiffs in the above-referenced matter. On April 9, 2025, Your Honor scheduled an Initial Pretrial Conference (“IPTC”) and directed the Parties to submit a Case Management Plan and Scheduling Order (“CMP”) in the above-referenced case. [ECF No. 11.] I write jointly with the Defendants’ counsel, Darian Alexander, Esq., to respectfully request that the Court adjourn *sine die* the IPTC, and to submit the parties’ proposed CMP and briefing schedule.

Given that this matter is an appeal of an administrative decision from the Office of State Review centered on whether Student A.C.T received a Free Appropriate Public Education (“FAPE”) during the 2023-2024 school year, the Parties agree that an IPTC and/or mediation would be unnecessary. The Parties believe this matter can be resolved through motions for summary judgment based upon the certified administrative record. The Plaintiffs have requested a copy of the certified administrative record from the Office of State Review and are waiting for receipt of the same. The Parties expect receipt of the record within 4-6 weeks, by May 5, 2025, and jointly propose that upon receipt, the certified record be filed under seal, with a courtesy copy to be provided to Defendants.

The Parties disagree on whether A.C.T was provided a FAPE during the 2023-2024 school year. The Parties, therefore, do not believe that the IPTC or mediation would be helpful or beneficial in resolving the Plaintiffs’ claims. The Parties instead propose the following briefing schedule in anticipation of receipt of the certified record on May 5, 2025:

- June 3, 2025: Plaintiffs to file their Motion for Summary Judgment;
- July 1, 2025: Defendants to file their Opposition and Cross-Motion for Summary Judgment;
- July 22, 2025: Plaintiffs to file their Opposition, Further Reply;
- August 12, 2025: Defendants to file their Reply.

Please also find attached hereto the Parties’ proposed CMP. As reflected therein, the Parties **do not** consent to conduct all further proceedings before the Magistrate Judge, and they submit

that no formal discovery is required. Instead, the parties intend to rely on the certified administrative record.

Moreover, it is also respectfully submitted that because the inquiry here is not whether there are disputed issues of fact, Rule 56.1 statements should be waived. While in IDEA actions, “the parties and the court typically style the decision as a ruling on a motion for summary judgment, [] ‘the procedure is in substance an appeal from an administrative determination, not a summary judgment motion.’” *Bd. of Educ. v. C.S.*, 990 F.3d 156,165 (2d Cir. 2021) (quoting *M.H. v. N.Y.C. Dep’t of Educ.*, 685 F.3d 217,226 (2d Cir. 2012)). Because the Parties’ motions will be based solely on the administrative record, the Parties jointly and respectfully request that the Court waive the submission of Rule 56.1 statements.

Further, as noted above, the Parties respectfully request that the conference scheduled for February 30, 2025, be adjourned *sine die*.

The Parties thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Kenneth Willard

Kenneth Willard, Esq.

Cc: All Counsel of record via ECF.